

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DOROTHY BRETT
4609 W. 102ND STREET
OAK LAWN IL 60453**

Plaintiff,

v.

**HERSHEY ENTERTAINMENT &
RESORTS COMPANY T/A
HERSHEYPARK
27 WEST CHOCOLATE AVE
HERSHEY PA 17033**

Defendant

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

COMPLAINT

PARTIES

1. Plaintiff Dorothy Brett is an adult who lives at 4609 W. 102nd Street, Oak Lawn, IL 60453. She is a citizen of Illinois.
2. Defendant Hershey Entertainment & Resorts Company is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at 27 West Chocolate Ave, Hershey PA 17033.
3. At all relevant and material times Hershey Entertainment & Resorts Company operated and transacted business under the fictitious name, HersheyPark,
4. At all relevant and material times the defendant operated and controlled the amusement park commonly referred to as Hershey Park.
5. At all relevant and material times the defendant employed, controlled and/or possessed the right to control all the employees, agents, servants, contractors and/or workers within Hershey Park.

VENUE AND JURISDICTION

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 (diversity jurisdiction) because plaintiff and defendant are citizens of different states and the amount in controversy exceeds \$75,000.00.

7. Venue is proper in this district under 28 U.S.C. § 1391 because defendant is in this judicial district and the events or omissions giving rise to the claim occurred in this judicial district.

FACTS

8. On or about July 19, 2018 the plaintiff together with her husband and children were paying customers at Hershey Park.

9. There was a new ride/water coaster at Hershey Park called “Breakers Edge.”

10. Breakers Edge started operating at Hershey Park on or about May 26, 2018.

11. From the date Breakers Edge started operating until July 19, 2018 at least three Hershey Park patrons were thrown from the ride.

12. Or about July 19, 2018 the plaintiff, with her family, was on the Breakers Edge ride. As she was riding, she was thrown into the air. Since she was holding on, she was violently pulled back into the raft.

13. When the plaintiff was pulled back into the raft, she slammed her body and was an immediate pain.

14. The plaintiff was taken from the ride on a backboard and taken to the hospital by ambulance.

15. The negligence of the defendant consisted of:

a) failing to provide the plaintiff with a safe ride;

- b) failure to warn the plaintiff of the dangerous condition/propensities of the ride;
- c) failure to warn the plaintiff that others have been thrown from the ride;
- d) failure to properly instruct the plaintiff in the use of the ride;
- e) failure have precautions in place to prevent incidents and injuries such as the ones that befell the plaintiff;
- f) failure to inspect the ride to determine the cause of the conditions which had caused prior patrons to be thrown from the ride;
- g) failure to use reasonable care to discover and cure this dangerous condition;
- h) failure to protect the plaintiff from this dangerous condition;
- i) failure to exercise the degree of caution required to protect patrons commensurate with the risk involved with the use of this ride; and
- j) failure to take reasonable precautions to prevent injury to the plaintiff.

16. As a result of the negligence of the defendant the plaintiff was injured. Her injuries consist of injuries to her spine including a fracture at L-1, disc herniation, and traumatic brain injury. She has required surgeries to treat and cure these injuries.

17. As a result of the negligence of the defendant the plaintiff has sustained and will continue to suffer from pain, suffering, loss of life's pleasures, discomfort, disfigurement, loss of earnings, loss of earning capacity, and expenses for medications and medical attention.

WHEREFORE, plaintiff prays judgment against the defendant in the amount of \$500,000.

Respectfully submitted,


JOHN NEUMANN HICKEY